

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-49 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejection in view of the remarks as set forth below.

Claim Objections

The Examiner objects to claims 4-27 and 31-49 as being in improper form. The Applicant wishes to point out that a Preliminary Amendment was filed with the new application on December 19, 2000 which changed the dependency of these claims to make them proper. The Applicant is submitting herewith a copy of the Preliminary Amendment for the Examiner's convenience. Also enclosed is a copy of the post card receipt dated December 19, 2000 for the Preliminary Amendment. Accordingly, these objections are believed to be overcome. The Examiner is requested to give the full consideration to these claims.

Priority

The Examiner noted that the certified copy of the priority documents have not been filed. The Applicant wishes to point out that this is a PCT application and that accordingly, priority documents are submitted in the International application so that it is not necessary to submit certified copies in the National Stage

applications. Further, the Applicant points out that Form PCT/DO/EO/903 was mailed from the U.S. Patent and Trademark Office on February 21, 2000 which included a list of items received, including the priority document. The Examiner is requested to review this document to ascertain that the priority documents have indeed been received and that the claim for priority is proper.

Rejection under 35 U.S.C. § 102

Claims 1-3 and 28-30 stand rejected under 35 U.S.C. §102 as being anticipated by Gluckstad (U.S. Patent No. 6,011,874). This rejection is respectfully traversed.

The Applicant wishes to first point out that the reference is the earlier work of the same inventor. Accordingly, Fig. 1 of the present application is similar to Fig. 1 of the patent. However, one difference should be noted in that the patent includes a spatial phase mask 4, while the present application includes an encoder 4 which is a combination of an encrypted mask 4A and a decrypting complex spatial electromagnetic radiation modulator 4B. This difference goes to the heart of the present invention. That is, the reference includes a basic generic device whereas the present application include the addition of encryption capabilities. Thus, in the reference, phase modulator 4 modulates the light emitted by the light emitting system 2,3. The light is

focused onto phase mask 6 containing a "phase dot" and is centered for the shifting of light by a value calculated according to the disclosed method. The desired intensity pattern is generated in plane 9.

In the present application, the generic phase contrast principle disclosed in the reference is used to provide for encryption and decryption of information. This encrypting method and system is not shown or suggested in the reference. Thus, in the present application, the left part of element 4 is a phase mask that will generate a specific intensity pattern similar to that of the reference. However, this is modified by including an encryption process so that the pattern will be encrypted by modulating using separate values. This system is not shown in the reference. A decrypting phase mask with decrypting phase values which are similar to those in the encryption device but with opposite signs are also installed so that the encrypting values are subtracted and the specific intensity pattern is restored. The reference does not teach the encryption and decryption concept at all and accordingly does not anticipate or obviate the present application.

Claim 1 describes the encryption process starting in line 5. Further, the paragraph starting at line 13 of the claim describes in great detail the use of the encryption and decryption procedures, including the use of decrypting phase values and

decrypting amplitude values. Applicants submit that this concept is not seen or suggested in any manner in the reference. Accordingly, Applicants submit that claim 1 is allowable.

Claims 2 and 3 depend from claim 1 and as such are also considered to be allowable. Likewise, claims 4-27 are also considered to be allowable as depending from an allowable independent claim. Many of these claims recite other features of the invention which are not shown in the reference and accordingly are additionally allowable.

Claim 28 is an independent system claim which corresponds to a method claim 1. The Applicant submits that this claim is likewise allowable since the reference does not show a description of the encryption and decryption modulators, in a similar fashion to that described above in regard to claim 1. Accordingly, the Applicant submits that this claim is likewise allowable.

Dependent claims 29-49 are also allowable based on their dependency from this allowable independent claim. In addition, these claims also recite other features not seen in the reference. Accordingly, these claims are likewise to be considered additionally allowable.

Conclusion

In view of the above, it is believed that the claims clearly distinguish over the patents relied on by the Examiner. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.


Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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 KM/RFG/ndb
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Attachment: Copy of Preliminary Amendment as filed on December 19, 2000 and a copy of the postcard filed on even date

(Rev. 02/12/2004)